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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 SYLVANIS JACKSON,

9 Plaintiff,

10 v.

11 STATE OF NEVADA,

12 Defendant.
13

2:10-CV-1920 JCM (PAL)

14 **ORDER**

15 Presently before the court is defendants State of Nevada, et. al.'s motion to dismiss amended
16 complaint. (Doc. #19). Plaintiff Sylvanis Jackson filed a *pro se* opposition. (Doc. #21). Defendants
17 then filed a reply. (Doc. #23).

18 Plaintiff filed his first amended complaint on October 7, 2011. (Doc. #14). The complaint
19 alleges three causes of action: (1) false imprisonment, (2) malicious prosecution, and (3) intentional
20 infliction of emotional distress. (Doc. #14). The complaint broadly alleges that "this [c]ourt is the
21 proper [c]ourt of jurisdiction to hear this matter. (Doc. #14). Defendants now move to dismiss the
22 complaint, arguing: (1) lack of federal question jurisdiction and (2) eleventh amendment immunity.
23 (Doc. #23).

24 Pursuant to 28 U.S.C. § 1331, "[t]he district courts shall have original jurisdiction of all civil
25 actions arising under the Constitution, laws, or treaties of the United States." The "well-pleaded
26 complaint rule" provides that "federal jurisdiction exists only when a federal question is presented
27 on the face of the plaintiff's properly pleaded complaint." *Caterpillar Inc. v. Williams*, 482 U.S.
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1 386, 392 (1987). Further, Nevada Local Rule 8-1 states that “[t]he first allegation of any complaint
2 . . . shall state the statutory or other basis of claimed federal jurisdiction and the facts in support
3 thereof.”

4 Plaintiff’s bare assertion that this court is “the proper [c]ourt of jurisdiction to hear this
5 matter” fails to adequately present a federal question. *See Caterpillar Inc.*, 482 U.S. at 392. Plaintiff
6 argues that his complaint “clearly indicate[s]” that he has been denied constitutional due process
7 rights. (Doc. #19). However, the complaint does not assert a due process claim. (*See* Doc. #14).
8 Instead, plaintiff’s three claims – false imprisonment, malicious prosecution, and intentional
9 infliction of emotional distress – all sound in state tort law. Therefore, plaintiff has failed to present
10 a federal question “on the face of the plaintiff’s properly pleaded complaint.” *Caterpillar Inc.*, 482
11 U.S. at 392.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants State of
14 Nevada, et. al.’s motion to dismiss amended complaint (doc. #19) be, and the same hereby is,
15 GRANTED.

16 DATED December 23, 2011.

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19 UNITED STATES DISTRICT JUDGE